

### REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-26 are currently pending. Claims 1-4, 6, and 8-26 are amended by the present amendment. No new matter is added.<sup>1</sup>

In the outstanding Office Action, Claims 10 and 23 were objected to as containing informalities; Claims 1, 3, 8, 14, 16, and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fradette (U.S. Patent 6,606,698 B2, hereinafter “the ‘698 patent”) in view of Kaneko et al. (U.S. Patent Application Publication 2003/0101272 A1, hereinafter “the ‘272 publication”); Claims 2, 4, 6, 15, 17, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘698 patent in view of the ‘272 publication and Day (U.S. Patent 7,222,185 B1, hereinafter “the ‘185 patent”); Claims 5 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘698 patent in view of the ‘272 publication, the ‘185 patent, and Deshpande (U.S. Patent 7,191,246 B2, hereinafter “the ‘246 patent”); Claims 7 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘698 patent in view of the ‘272 publication, the ‘185 patent, and Noma et al. (U.S. Patent Application 2003/0055988 A1, hereinafter “the ‘988 publication”); Claims 9 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘698 patent in view of the ‘272 publication, the ‘185 patent, and Fukunaga et al. (U.S. Patent 6,282,240 B1, hereinafter “the ‘240 patent”); Claims 11-13 and 24-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘185 patent in view of Cudré-Mauroux et al. (“A Decentralized

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<sup>1</sup> Claim 8 is amended to incorporate selected features of Claim 1. Claim 11 is amended to incorporate selected features of Claim 13. Claim 21 is amended to incorporate selected features of Claim 14. Claim 24 is amended to incorporate selected features of Claim 26.

Architecture for Adaptive Media Dissemination,” 2002 IEEE International Conference on Multimedia and Expo, hereinafter “Cudré-Mauroux”); and Claims 10 and 23 were indicated as allowable if rewritten to overcome the objections and rewritten in independent form.

Applicants thank the Examiner for the indication of allowable subject matter.

However, because Claims 1 and 14 are believed to overcome the applied art, Claims 10 and 23 are maintained in dependent form.

The outstanding rejections on the merits are traversed for the following reasons.

Amended Claim 1 is directed to an information processing apparatus configured to serve as a reproduction instruction apparatus configured to transmit a data reproduction process request to a node connected to a network and to execute a data reproduction process based on return data. The information processing apparatus includes, *inter alia*, a data transmission rate setting unit configured to select one or more data transmission modes as a return data transmission mode, from a plurality of data transmission modes, and to determine a data transmission rate of the selected one or more data transmission modes. The information processing apparatus also includes a packet generating unit configured to set an address in accordance with the data transmission rate.

The outstanding Office Action asserts that the ‘698 patent discloses a packet generating unit configured to perform an address setting process. The ‘698 patent is directed to a data storage managing apparatus that translates a host Input/Output request into a standard form. The ‘698 apparatus includes a request processing unit that receives an Input/Output (I/O) request and translates the I/O request into a translated request. The ‘698 apparatus also includes a normalizer that generates a storage address and adds the storage address to the translated request to generate a normalized request. However, the ‘698 patent

merely discloses generating a storage address. Applicants respectfully submit that the '698 patent does not teach or suggest a packet generating unit configured to set an address *in accordance with a data transmission rate*, as recited in amended Claim 1.

The '272 publication does not remedy the above-noted deficiencies in the '698 patent. The '272 publication is directed to a distribution control program for making a plurality of data distribution reservations for one or more other devices. Applicants respectfully submit that the '272 publication does not teach or suggest a packet generating unit configured to set an address *in accordance with a data transmission rate*, as recited in amended Claim 1. The outstanding Office Action does not assert otherwise.

Thus, Applicants submit that the '698 patent and the '272 publication, taken alone or in combination, fail to teach or suggest a packet generating unit configured to set an address *in accordance with a data transmission rate*, as recited in amended Claim 1. Thus, Applicants respectfully submit that amended Claim 1 (and all associated dependent claims) patentably distinguishes over any proper combination of the '698 patent and the '272 publication.

Additionally, because no proper combination of the '698 patent and the '272 publication teaches the packet generating unit recited in amended Claim 1, Applicants further submit that no proper combination of the '698 patent and the '272 publication teaches or suggests the setting reproduction object data step recited in amended Claim 14. Thus, Applicants respectfully submit that amended Claim 14 (and all associated dependent claims) patentably distinguishes over any proper combination of the '698 patent and the '272 publication.

Furthermore, Applicants respectfully submit that the '185 patent, the '246 patent, the '988 publication, and the '240 patent fail to remedy the above-noted deficiencies in the '698

patent and the '272 publication. Thus, Applicants respectfully submit that the rejections of Claims 2, 4-7, 9, 15, 17-20, and 22 are rendered moot in view of the above discussion.

Amended Claim 11 is directed to an information processing apparatus configured to serve as a demand information provider apparatus configured to provide demand level information of transmission data over a network. The information processing apparatus includes, *inter alia*, a control unit configured to count a number of demand level information acquisition requests received from a network-connected node and to generate demand level information for each transmission data in accordance with the count, to generate response information corresponding to each demand level information acquisition request in accordance with the generated demand level information. The control unit is also configured to include, in a carousel transmission process request, carousel transmission destination address information set in accordance with transmission source node address information of the received demand level information acquisition request.

The outstanding Office Action asserts that the '185 patent discloses a control unit configured to execute a process of storing carousel transmission destination address information set in accordance with transmission source node address information of a received demand level information acquisition request, in a carousel transmission process request. The '185 patent is directed to a system controller that selects a transmission mode for content distribution based upon popularity of the content within the content distribution system. The '185 system controller uses an allocation table to notify content sources associated with the content distribution system of the transmission mode for particular types of content. The '185 allocation table includes a content information field that includes information relating to a name of a piece of content and information indicating a source of the

content. As disclosed by the '185 patent, the information indicating the source may be an Internet protocol IP address of the content source. However, the '185 patent merely discloses storing an address of a content source. Applicants submit that the '185 patent does not teach or suggest a control unit configured to include carousel transmission destination address information set in accordance with transmission source node address information of a received demand level information acquisition request, as recited in amended Claim 11.

Cudré-Mauroux does not remedy the above-noted deficiencies in the '185 patent. Cudré-Mauroux is directed to a fully decentralized architecture to support replication of popular media content in a peer-to-peer network. Applicants submit that Cudré-Mauroux does not teach or suggest a control unit configured to include carousel transmission destination address information set in accordance with transmission source node address information of a received demand level information acquisition request, as recited in amended Claim 11. The outstanding Office Action does not assert otherwise.

Thus, Applicants submit that the '185 patent and Cudré-Mauroux, taken alone or in combination, fail to teach or suggest a control unit configured to include carousel transmission destination address information set in accordance with transmission source node address information of a received demand level information acquisition request, as recited in amended Claim 11. Applicants respectfully submit that amended Claim 11 (and all associated dependent claims) patentably distinguishes over any proper combination of the '185 patent and Cudré-Mauroux.

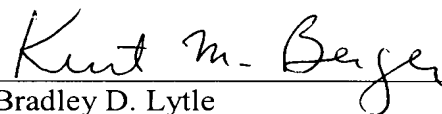
Additionally, because no proper combination of the '185 patent and Cudré-Mauroux teaches or suggests the control unit recited in amended Claim 11, Applicants further submit that no proper combination of the '185 patent and Cudré-Mauroux teaches or suggests the

storing step recited in amended Claim 24. Thus, Applicants respectfully submit that amended Claim 24 (and all associated dependent claims) patentably distinguishes over any proper combination of the '185 patent and Cudré-Mauroux.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in cursive script, reading "Kurt M. Berger", is written over a horizontal line.

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